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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/579,801

05/15/2006

Yong Ding

AFDC-00300

3452

34051

7590

11/18/2008

Stevens Law Group
1754 Technology Drive
Suite #226
San Jose, CA 95110

EXAMINER

LE, CANH

ART UNIT

PAPER NUMBER

2439

MAIL DATE

DELIVERY MODE

11/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/579,801	Applicant(s) DING ET AL.	
	Examiner CANH LE	Art Unit 2439	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 8-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to the communication filed on 09/08/2008.

Claims 5-7 have been cancelled.

Claims 1-4 and 8-16 have been amended.

Claims 1-4 and 8-16 have been examined and are pending.

Response to Arguments

Applicant's arguments, see pages 7-10, filed 09/08/2008, with respect to the rejection of 35 U.S.C. § 101 of claims 1-4 and 8-16 have been fully considered but they are not persuasive.

The Examiner respectfully disagrees with the applicant for the following reasons:

Claims 1 and 8 recite “*A digital signature **method** based on braid groups conjugacy problem...*,” which raises a question as to whether the claims are directed merely to **an abstract idea and mathematical algorithm** that are not tied to a technological art, environment, or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 USC 101 U.S.C. § 101 in view of ***In re Comiskey***, 499 F.3d 1365 (Fed. Cir. 2007). The claimed method does not require integrating a machine (e.g., a computer) or constitute a process of manufacture, or altering a composition of matter; therefore the claim is directed to non-statutory subject matter (See ***In re Bilski***, Appeal No. 2007-1130; ***Diamond v. Diehr***, 450 U.S. 175, 184 (1981); ***Parker v. Flook***, 473 U.S. 584, 588 n.9 (1978); ***Gottschalk v. Benson***, 409 U.S. 63, 70 (1972); ***Cochrane v. Deener***, 94 U.S. 780, 787-88 (1976)).

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Claims 2-4 and 13-14 are also rejected as nonstatutory under 35 U.S.C. 101 as they do not belong to any of the four categories set forth above.

Claims 9-12 and 15-16 are also rejected as nonstatutory under 35 U.S.C. 101 as they do not belong to any of the four categories set forth above.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-4 and 8-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1 and 8 recite “*A digital signature method based on braid groups conjugacy problem...*,” which raises a question as to whether the claims are directed merely to **an abstract idea and mathematical algorithm** that are not tied to a technological art, environment, or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 USC 101 U.S.C. § 101 in view of ***In re Comiskey***, 499 F.3d 1365 (Fed. Cir. 2007). The claimed method does not require integrating a machine (e.g., a computer) or constitute a process of manufacture, or altering a composition of matter; therefore the claim is directed to non-statutory subject matter (See ***In re Bilski***, Appeal No. 2007-1130; ***Diamond v. Diehr***, 450 U.S. 175, 184 (1981); ***Parker v. Flook***, 473 U.S. 584, 588 n.9 (1978); ***Gottschalk v. Benson***, 409 U.S. 63, 70 (1972); ***Cochrane v. Deener***, 94 U.S. 780, 787-88 (1976)).

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Claims 9-12 and 15-16 are also rejected as nonstatutory under 35 U.S.C. 101 as they do not belong to any of the four categories set forth above.

Allowable Subject Matter

The claims 1-4 and 8-16 will only be allowed if the 101 rejection is overcome.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Canh Le whose telephone number is 571-270-1380. The examiner can normally be reached on Monday to Friday 7:30AM to 5:00PM other Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid Kristine can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Canh Le/

Examiner, Art Unit 2139

November 17, 2008

/Kambiz Zand/

Supervisory Patent Examiner, Art Unit 2434